

Judge Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROMAN SELEZNEV,
aka TRACK 2,
aka ROMAN IVANOV,
aka RUBEN SAMVELICH,
aka nCuX
aka Bulba
aka bandysli64
aka smaus,
aka Zagreb,
aka shmak.,

Defendant.

CASE NO.: CR11-0070RAJ

**DECLARATION OF ELY GOLDIN, ESQ.
IN SUPPORT OF DEFENDANT'S
RESPONSE TO THE GOVERNMENT'S
MOTION (DKT. 39) FOR INQUIRY
REGARDING POTENTIAL CONFLICT
OF INTEREST ON BEHALF OF
DEFENDANT ROMAN SELEZNEV**

I, Ely Goldin, Esq., being an attorney admitted to practice law in Pennsylvania and admitted *Pro Hac Vice* in this District, and subject to the penalties for perjury, do hereby declare the following to be true and correct to the best of my knowledge:

1. I am a partner in the Blue Bell, Pennsylvania office of Fox Rothschild LLP, and our office represents the above-captioned defendant, Mr. Seleznev, regarding this criminal matter.

This declaration is made upon information and belief, the source therein being the declarant's

Motion For Inquiry Regarding Potential
Conflict Of Interest/Seleznev

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1 review of our client intake systems, consultation with co-counsel Robert W. Ray, my client, Mr.
2 Seleznev, and a review of the pertinent pleadings and filings in this action.

3
4 2. On or about August 5, 2014, I was notified by Mr. Ray that Assistant United States
5 Attorney Norman M. Barbosa had contacted him about a perceived conflict of interest involving a
6 Fox Rothschild attorney's earlier representation of a restaurant chain known as "Z-Pizza," a
7 purported victim in this case. Z-Pizza was not named in either this indictment or the indictment
8 returned against the Defendant in the District of Nevada.

9
10 3. Upon receiving this information, I reviewed Fox Rothschild's master client list
11 (electronically), which contains the names of all current and former clients. Based on the list, I
12 was able to determine that in 2011, the firm briefly represented Z-Pizza in connection with a
13 matter called a "Response to Data Incident" and that in 2012, the firm responded to a routine
14 auditors' inquiry for the year ending December 31, 2011.

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16 4. That same day, upon confirming that the firm had, at some point in the past,
17 performed services for Z-Pizza, I contacted Thomas D. Paradise, Esq., Fox Rothschild's General
18 Counsel and requested that an ethical screen be erected. All paralegals and attorneys, myself
19 included, working on Mr. Seleznev's case were notified not to discuss this client in the presence
20 of Ms. Purcell and Scott Vernick, Esq. (the originating or "billing" attorney) due to their
21 involvement on the Z-Pizza matter. All electronic documents in the firm's document
22 management system have been secured in compliance with the ethical screen. The ethical screen
23 functions to police any Fox Rothschild attorney or paralegal billing time to a Z-Pizza matter,
24 automatically erecting the screen upon time-entry.

25
26 5. Thereafter on August 13, 2014, the Government filed a Motion for Inquiry
27 Regarding Potential Conflict of Interest. (See Docket Item "D.I." No. 39).

1 6. As an officer of the Court, I can affirm herein that (i) I had no involvement in Fox
2 Rothschild's prior representation of Z-Pizza; (ii) I have no information from Ms. Purcell
3 regarding her brief representation of Z-Pizza; (iii) I did not substantively discuss the matter with
4 Ms. Purcell; (iv) I have not reviewed Ms. Purcell's papers, notes or file regarding the matter; (v) I
5 never met any representative of Z-Pizza nor spoken with anyone during our firm's representation
6 of this matter; and (vi) I have obtained no information regarding Ms. Purcell's brief representation
7 of Z-Pizza, which occurred some three years ago. Further, I will not obtain any information from
8 Ms. Purcell or her file. Moreover, Ms. Purcell is resident in the firm's Philadelphia, Pennsylvania
9 office and I am resident in the firm's Blue Bell office, which is in Montgomery County,
10 Pennsylvania, approximately 20 miles from the firm's Philadelphia office. Additionally, to the
11 best of my recollection, I have not met or spoken with Mr. Purcell at all in 2013 or 2014 and I am
12 informed that she is presently on maternity leave.

13 7. As further set out in her declaration, Ms. Purcell confirms that she and I have not
14 discussed any information learned through Ms. Purcell's brief representation of Z-Pizza. Further,
15 Ms. Purcell has not participated in any way in the defense of Mr. Seleznev and will continue to
16 not participate.

17 8. Upon learning of the Government's position that Z-Pizza was an alleged victim, my
18 firm immediately created an ethical screen, the kind often used by the Government in federal
19 cases between Government attorneys. I represent that I have not and will not share any
20 information with Ms. Purcell or view the Z-Pizza file. Moreover, I have not accessed the file nor
21 do I have knowledge of the facts or confidences exchanged between Ms. Purcell and her former
22 client.

1 9. Fox Rothschild LLP is a national firm with 19 offices and more than 550 attorneys.
2 The firm employs effective screening procedures to protect against the inadvertent acquisition of
3 confidential or privileged information.
4

5 10. I have taken the proper steps and screening measures to insulate myself from any
6 improper acquisition of privileged or confidential communications regarding Ms. Purcell's
7 representation of Z-Pizza. I have never nor will I view the file regarding the matter handled by
8 Ms. Purcell in 2011 and I have not nor will I have access to the file itself. I have never nor will I
9 discuss the matter with Ms. Purcell and I have never met nor discussed the matter with her
10 previous client. Ms. Purcell has had no involvement in the present case and will continue to be
11 adequately screened from it, as she works in a different office and, as such, she has had no
12 opportunity to inadvertently acquire information about the current matter.
13
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15 11. At the earliest possible opportunity, I discussed the matter with my client, Mr.
16 Seleznev, and advised him of his opportunity to discuss the matter in turn with independent
17 counsel.
18

19 12. As further addressed in Mr. Seleznev's Affidavit, after careful consultation regarding
20 this issue, Mr. Seleznev knowingly, intelligently and voluntarily waives any potential conflict of
21 interest regarding Z-Pizza and further seeks to have the undersigned continue to represent him
22 during pre-trial, trial and any post-trial proceedings in this case. Further, Mr. Seleznev and the
23 undersigned invite the Court to appoint, if deemed necessary, an attorney to meet with Mr.
24 Seleznev and independently discuss and advise him regarding such a waiver.
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1 **I declare under penalty for perjury that the foregoing is true and correct.**

2 **Executed on August 20, 2014, in Blue Bell, Pennsylvania.**

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5 FOX ROTHSCHILD LLP

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15 Attorneys for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the Government and to all associated counsel of record.

s/Patricia Shillington
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